

# ● PRINTER RUSH ●

## (PTO ASSISTANCE)

Application : <u>10/798148</u>	Examiner : <u>Calvert</u>	GAU : <u>3765</u>
From : <u>JF</u>	Location : <u>IDC</u> FMF FDC	Date : <u>6-17-05</u>

Tracking #: EP17-  
10/798148      Week Date: 4-25-05

DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449	_____	<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS	_____	<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM	_____	<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW	_____	<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW	_____	<input type="checkbox"/> Other
<input type="checkbox"/> DRW	_____	
<input checked="" type="checkbox"/> OATH	<u>3-10-04</u>	
<input type="checkbox"/> 312	_____	
<input type="checkbox"/> SPEC	_____	

**[RUSH] MESSAGE:** PLEASE provide COUNTRY  
FOR INVENTOR. NOT ON OATH.

THANK YOU

**[XRUSH] RESPONSE:** See Copies Attached

**INITIALS:** JF

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH.

REV 10/04

DOC.# DM Va 001      02/1  
Marcher      Neusted      Willson  
701-281-8822

Attorney Docket No. DUVA-001

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**COMBINED DECLARATION AND POWER OF ATTORNEY**

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Applicant(s) or Patentee(s): **Richard J. Duval**

Serial or Patent Number: **Not Applicable.**

Filed or Issued: **Not Applicable.**

For: **Optical Stitch Regulator System**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Optical Stitch Regulator System**

the specification of which is attached hereto.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment if applicable. I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

I further state that I do not know and do not believe that the above-named invention has ever been known or used in the United States before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or more than one year prior to this application, or in public use or on sale in the United States more than one year prior to this application; and that the invention has not been patented or made the subject of any inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve (12) months prior to this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### CLAIMING PRIORITY FROM FOREIGN APPLICATION

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

NONE.

Application Serial No.	Country	Date Filed	Priority Claimed (Yes or No)
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#### CLAIMING PRIORITY FROM U.S. PROVISIONAL APPLICATION

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States Provisional application(s) listed below:

NONE.

Application Serial No.	Filing Date	Status (Pending or Abandoned)
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#### CLAIMING PRIORITY FROM U.S. NON-PROVISIONAL APPLICATION

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NONE.

Application Serial No.	Filing Date	Status (Patented, Pending, or Abandoned)
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**POWER OF ATTORNEY**

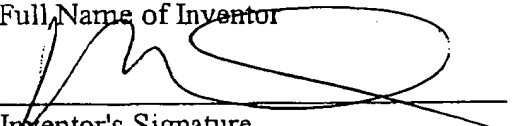
As a named inventor, I hereby appoint the following agent to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith: **Michael S. Neustel (Reg. No. 41,221)** of 2534 South University Drive, Suite 4, Fargo, North Dakota 58103.

**CORRESPONDENCE AND COMMUNICATIONS**

Please send all correspondence and direct all telephone calls to:

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**Richard J. Duval**  
Full Name of Inventor

  
Inventor's Signature

Date: Mar/09/04

**15-1730 McPherson Court, Pickering, ON L1W 3E6**  
Residence

**Canada**  
Citizenship

**15-1730 McPherson Court, Pickering, ON L1W 3E6**  
Post Office Address

Attorney Docket No. DUVA-001

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**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR**

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Applicant or Patentee: **Richard J. Duval**  
Serial or Patent Number: **Not Applicable**  
Filed or Issued: **Not Applicable**  
For: **Optical Stitch Regulator System**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled as above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**Richard J. Duval**  
NAME OF INVENTOR

  
Signature of First Inventor

DATE: 7/22/05